

Remarks/Arguments:

Claims 1-4, 7-8, 10-15 and 19 are indicated to be pending in the Office Action Summary and, thus, claim 5 is allegedly cancelled.

Claims 1-4, 7-8, 10-15 and 19 stand rejected.

The body of the prior art rejection, however, properly recognizes that claim 5 is currently pending. Furthermore, claim 5 was pending in the previous Amendment filed May 18, 2009 and had not been cancelled in that Amendment. Accordingly, Applicant will address claim 5 in response to the Office Action as being rejected over Nonaka et al. (U.S. Patent No. 6,614,732 B2 (hereafter referred to as Nonaka) in view of Proehl et al. (U.S. Patent No. 6,118,450, hereafter referred to as Proehl).

No new matter is presented by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in the original specification at pages 22 and 23 and Fig. 4.

Rejection of Claims 1-4, 7-8, 10-15 and 19 under 35 U.S.C. § 103(a)

In the Office Action, at item 5, claims 1-4, 7-8, 10-15 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Nonaka in view of Proehl.

As previously mentioned, Applicant will also address claim 5 under this rejection.

Reconsideration is respectfully requested.

Claim 1

Claim 1 is directed to a recording and reproducing system, and recites:

... a record medium holding (1) a plurality of data files storing respectively predetermined data, (2) a plurality of play list files storing respectively a play list describing a reproduction order, in which all or part of the plurality of data files are to be played automatically, and (3) a play list file menu file storing a play list file menu which is information about a hierarchical structure by which the play list files are accessible ...

... play list file selecting means configured to select a predetermined play list file from among the plurality of play list files held by the record medium according to an instruction from the outside ...

That is, the record medium holds a plurality of play list files and the play list file selecting means selects a predetermined play list file from among the plurality of play list files that are held by the record medium. Moreover, each play list file stores (i.e., the plurality of play list files store respectively) a play list describing a reproduction order in which all or part of the plurality of data files are to be played automatically.

Nonaka Reference

Nonaka discloses that each music file (having music data corresponding to a song) is stored in a predetermined folder in the hard disc 20. Further, a tag file corresponding to a respective music file is prepared and also stored in a predetermined folder on the hard disc 20. (See Nonaka at Column 9, lines 15-20 and 52-56.) Figs. 11(a) and 11(b) each show a play list. Fig. 11(a) of Nonaka shows a play list composed of music files (i.e., file 1.a3d, file 4.a3d, file 5.a3d, file 7.a3d, file 6.a3d ... file 2.a3d, file 10.a3d and file 9.a3d ...) and Fig. 11(b) shows a play list composed of tag files (i.e., file 2.tag, file 9.tag ... file 11.tag, file 12.tag ...). Thus, either the music files of Fig. 11(a) or the tag files of Fig. 11(b) corresponds to the plurality of play list files recited in claim 1. Each tag files of Nonaka corresponds to a single music file (i.e., a single song). Thus, none of these files (i.e., either a tag file or a music file) describes a reproduction order (in which all or part of a plurality of data files are to be played automatically). That is, Nonaka is silent regarding the use of a plurality of play list files that describe a reproduction order.

Proehl Reference

Proehl discloses a multi-disk CD player 110 that includes a music information database 130 and an internal rewritable memory 140. (See Proehl at Column 4, lines 16-26.) After a user loads CDs into the player 110, the player 110 reads identification codes of the CDs and accesses the database 130 to retrieve information on the CDs. (See Proehl at Column 5, lines 24-48.) The CD player 110 stores the information in the memory 140. A graphic user interface 120 on the player 110 displays this information

on an enhanced graphic display 170. (See Proehl at Column 5, lines 24-57.) Proehl also discloses that a user may select a play list button 430 on the player 110 to create a play list. The play list is displayed on a graphic user interface and saved. The play list function allows the user to select various songs from different CDs to be played back in a sequence established by the user. (See Proehl at Column 8, lines 44-46 and 57-60.) That is, the record medium (i.e., memory 140) of Proehl does not hold "a plurality of data files" and a "plurality of play list files," as required by claim 1. Instead, a play list is stored on memory 140 that is separate from the CDs that store the songs. Thus, Proehl does not disclose or suggest "... a plurality of play list files storing respectively a play list describing a reproduction order in which all or part of the plurality of data files [held on the record medium] are to be played automatically," (brackets added) as required by claim 1.

Accordingly, claim 1 is submitted to patentably distinguish over Nonaka in view of Proehl for at least the above-mentioned reasons.

Claims 5, 7-8 and 10-12

Claims 5, 7-8 and 10-12, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Nonaka in view of Proehl for at least similar reasons to those of claim 1.

Claim 2-4, 13-15 and 19

Claims 2-4, 13-15 and 19 which include all of the features of claim 1, 10, 11 or 12 are submitted to patentably distinguish over Nonaka in view of Proehl for at least the same reasons as their respective Independent claims.

Claim 19 includes additional patentable distinctions beyond those of claim 2, namely:

... the play list file menu display means is configured to display only the play list file menu information concerning the play lists selectable through the play list file menus of lower layers, which are supported by the data reproducing means,

the information about the hierarchical structure specifies information defining a highest-order menu that specifies at least one link to a child menu, and

the play list file menu display means displays the highest-order menu and the at least one link to the child menu when a user selects the highest-order menu for viewing,

(emphasis added).

These features are not disclosed or suggested in either Nonaka or Proehl.

Conclusion

In view of the claim amendments and remarks, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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